2002

State of Utah v. Howard Hartman : Brief of Appellee

Utah Court of Appeals

Brenton Rowe; Deputy Washington County Attorney; Brock Belnap; Washington County Attorney; Counsel for Appellee.
Margaret P. Lindsay; Aldrich, Nelson, Weight and Esplin; Counsel for Appellant.

IN THE UTAH COURT OF APPEALS

STATE OF UTAH, Plaintiff/Appellee, **vs.** HOWARD HARTMAN, Defendant/Appellant.	Case No. 20020731-CA

BRIEF OF APPELLEE

APPEAL FROM THE FIFTH JUDICIAL COURT, WASHINGTON COUNTY, STATE OF UTAH, FROM A VONVICTION OF VIOLATION OF A PROTECTIVE ORDER, A CLASS A MISDEMEANOR, BEFORE THE HONORBLE JAMES L. SHUMATE.

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Counsel for Appellee

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BRIEF OF APPELLEE

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STATEMENT OF JURISDICTION

This Court has appellate jurisdiction in this matter pursuant to the provisions of Utah Code Annotated § 78-2a-3(2)(e).

ISSUES PRESENTED AND STATEMENT OF THE CASE

The State is satisfied with the ISSUES PRESENTED AND STATMENT OF THE CASE set forth in the Brief of Appellant.

CONTROLLING STATUTORY PROVISIONS

The text of all relevant statutory constitutional provisions and Rules are set forth either in the Brief of Appellant's Addenda or in the Brief of Appellee's Addenda.

STANDARDS OF REVIEW

1. "When reviewing a bench trial for sufficiency of the evidence, we must sustain the trial courts judgment unless it is against the clear weight of the evidence or if the appellate court otherwise reaches a definite and firm conviction that a mistake has been made." *State v. Larsen*, 2000 UT App.106, ¶10, 999 P.2d 1252. This issue is automatically preserved. See *Larsen,* 2000 UT App. 106 at ¶9.

2. "To demonstrate plan error, a defendant must establish that (i) [a]n error exists; (ii) the error should have been obvious to the trial courts and (iii) the error is harmful, i.e., absent the error, there is a reasonable likelihood of a more favorable outcome for the appellant, or phrased differently, our confidence in the verdict is undermined." *State v. Holgate*, 2000 UT 74, ¶13, 10 P.3d 346 (citation omitted). When review a bench trial for sufficiency of the evidence, we must sustain the trial court's judgment unless it is against the clear weight of the evidence..." *State v. Larsen,* 2000 UT App 106, ¶10, 999 P.2d 1252.

STATEMENT OF RELEVANT FACTS

Testimony of Lorinda Hartman

Lorinda Hartman testified that she used to be married to Howard Hartman and they lived in the State of Washington (R. 83:6). Lorinda testified that she obtained a protective order against Hartman while in Washington (R. 83:6). The protective order

was offered and received into evidence as State's Exhibit #1 (R. 83:7).

Lorinda testified that after she obtained the protective order, she left Washington and moved to Las Vegas, Nevada (R. 83: 7). Lorinda testified that Hartman came and saw her while she was in Las Vegas despite the protective order (R. 83: 7).

Lorinda testified that she then moved to St. George, Utah (R. 83: 7-8). Lorinda testified that Hartman called her on the telephone while she lived at the Snow Canyon Apartments in St. George (R. 83: 8, 11, 16). Lorinda testified that Hartman called her "two, three times" (R. 83:9). Lorinda testified that she contacted the police about Mr. Hartman calling her on the telephone (R.83:8). Lorinda testified that she gave a statement to the police and identified States Exhibit No. 2 as her written statement which was offered and received into evidence (R.83: 8, 16). Lorinda further testified that she was trying to stay away from Hartman, and she did not know how he got her number (R. 83: 9-10).

Lorinda also testified that she was living in Las Vegas with Hartman before she moved to St. George for a year (R. 83:11). Lorinda further testified that she did not write Hartman a letter asking him to call her (R. 83: 11, 15). Lorinda also testified that, at one point, Hartman had threatened to kill her, however there was no time given when the alleged threat was made (R. 83: 14).

Testimony of Nicholas Barone

Nicholas Barone testified that he was at Lorinda's Snow Canyon Apartment when Hartman called (R. 83: 19). Barone testified that he knew that it was Hartman that was

calling because the caller I.D. listed his name (R. 83: 19). Barone testified that he was only at Linda's apartment one time when Hartman called (R. 83: 20). Barone testified that he did not know for sure who was on the phone because he only saw the caller I.D. and he admitted that it could have been someone else on the phone (R. 83: 22).

Testimony of Howard Hartman

Howard Hartman testified that he lived in Washington in 1999 and was married to Lorinda at that time (R. 83: 24). Hartman testified that Lorinda moved from Washington "with some people in (inaudible).... [f]or about a month or a month and-a-half. And then she came straight here to St. George." (R. 83: 24-25).

Hartman testified that Lorinda was in St. George when he called and spoke with her (R. 83: 30). Hartman testified that after this initial phone call, they both exchanged calls all the time (R. 83: 30).

Hartman testified that he did not remember calling Lorinda in St. George before he received the letter (R. 83: 31, 34).

Hartman also testified that he remembered signing the protective order in question, which went into effect on September 27, 1999 (R. 83: 36). Hartman testified that he did not make any phone calls to Lorinda prior to December 1999 (R. 83: 36).

SUMMARY OF ARGUMENT

The State asserts that there was sufficient evidence presented to the court at trial to establish that Hartman violated a protective order. Although sufficiency of the evidence

was not made an issue at trial, the state concedes that *State v. Larsen* allows this Court to review this issue.

The State asserts that the facts supporting the trial courts finding of Hartman guilty of violation of a protective order defeats his claim that the trial court committed plain error by finding Hartman guilty.

ARGUMENT

I. THE EVIDENCE WAS SUFFICIENT TO ESTABLISH THAT HARTMAN VIOLATED A PROTECTIVE ORDER

The State asserts that the evidence was sufficient to establish that Hartman was guilty of violating a protective order beyond a reasonable doubt.

"When reviewing a bench trial for sufficiency of evidence, we must sustain the trial court's judgment unless it is against the clear weight of the evidence...." *Larsen,* 2000 UT App. 106 at ¶10 (quoting *Spanish Fork City v. Bryan,* 1999 UT App. 61, ¶5, 975 P.2d 501).

In challenging the sufficiency of the evidence, the defendant "must marshal all of the evidence in support of the trial court's findings of fact and then demonstrate that the evidence, including all reasonable inference drawn there from, is insufficient to support the finding against an attack." *Larsen,* 2000 UT App. 106 at ¶11 (quoting *State v. Moosman,* 794 P. 2d 474, 475-76 (Utah 1990), also Rule 24 (a) (9) Utah R. App. P.).

Hartman in his brief fails to marshal all of the testimony and evidence supporting the trial court's findings regarding each element of the charged offense of which the trial

court found Hartman guilty, violation of a protective order.

Count I of the Information filed in this case alleged a violation of a protective order on December 12, 1999, (R. 1-2, Addenda to Brief of Appellee). Lorinda Hartman testified she received a telephone call from Hartman and contacted the police (R. 83: 8). Lorinda identified States Exhibit No. 2 as the written statement she made the day Hartman called (R. 83: 8). States Exhibit No. 2 was offered and received into evidence at trial (R. 83: 16). This statement is dated December 12, 1999 (R: 56, Addenda Brief of Appellee). The trial court received into evidence without objection States Exhibit No 1 (R. 54-55, Brief of Appellee's Addenda). This exhibit on its face appears to be an Order of Protection preventing Hartmans contact by the phone with Lorinda issued 9/27/99 and effective until December 31, 2099. These facts support the trial court finding Hartman guilty. Hartman's Brief of Appellant disregards this testimony and evidence. Because evidence supporting each element of the offense charged this court should uphold the trial court's judgment.

II. THE TRIAL COURT DID NOT COMMIT PLAIN ERROR BY NOT DISMISSING THIS CASE FOR INSUFFICIENT EVIDENCE

Generally, claims not raised before the trial court may not be raised on appeal. *State v. Marvin,* 964 P.2d 313, 318 (Utah 1998). However, the plain error exception enables the appellate court to "balance the need for procedural regularity with the demands of fairness." *State v. Holgate,* 2000 UT 74, ¶13, 10 P.3d 346 (quoting *State v. Verde,* 770 P.2d 116, 122 n. 12 (Utah 1989). "To demonstrate plain error, a defendant

must establish that '(i) [a]n error exists; (ii) the error should have been obvious to the trial court; and (iii) the error is harmful, i.e., absent the error, there is a reasonable likelihood of a more favorable outcome for the appellant, or phrased differently, our confidence in the verdict is undermined.'" *State v. Holgate,* 2000 UT 74, ¶13, 10 P.3d 346 (quoting *State v. Dunn,* 850 P.2d 1201, 1208-09 (Utah 1994).

Hartman asserts that the trial court erred in finding that the evidence was sufficient to establish beyond a reasonable doubt that he violated the protective order and this error should have been obvious to the trial court, however, the same testimony and evidence identified in the above argument defeats Hartman's claim of plain error. Because evidence and testimony supporting the trial courts finding of guilt was present before the trial court, Hartman has not demonstrated that any plain error occurred. Therefore, the State respectfully asks the court to uphold the trial courts conviction of Hartman.

CONCLUSION AND PRECISE RELIEF SOUGHT

For the foregoing reasons, the State asks this court to uphold Hartman's conviction and remand the matter to the trial court.

RESPECTFULLY SUBMITTED this 24th day of November, 2003.

O. BRENTON ROWE
Counsel for Plaintiff/Appellee

ADDENDA

shall enter written findings of fact concerning the claimed deficient performance by counsel and the claimed prejudice suffered by appellant as a result, in accordance with the order of remand. Proceedings on remand shall be completed within 90 days of entry of the order of remand, unless the trial court finds good cause for a delay of reasonable length.

(f) *Preparation and transmittal of the record.* At the conclusion of all proceedings before the trial court, the clerk of the trial court and the court reporter shall immediately prepare the record of the supplemental proceedings as required by these rules. If the record of the original proceedings before the trial court has been transmitted to the appellate court, the clerk of the trial court shall immediately transmit the record of the supplemental proceedings upon preparation of the supplemental record. If the record of the original proceedings before the trial court has not been transmitted to the appellate court, the clerk of the court shall transmit the record of the supplemental proceedings upon the preparation of the entire record.

(g) *Appellate court determination.* Upon receipt of the record from the trial court, the clerk of the court shall notify the parties of the new schedule for briefing or oral argument under these rules. Errors claimed to have been made during the trial court proceedings conducted pursuant to this rule are reviewable under the same standards as the review of errors in other appeals. The findings of fact entered pursuant to this rule are reviewable under the same standards as the review of findings of fact in other appeals.

(Added effective October 1, 1992; amended effective April 1, 1998.)

NOTES TO DECISIONS

Allegation of facts required.
Allegation of prejudice required.
Application.
Purpose.
Cited.

Allegation of facts required.

Because defendant did not allege any facts in support of his ineffective assistance claim, the appellate court would not remand the case for an evidentiary hearing. It would be improper to remand a claim under this rule for a fishing expedition. State v. Garrett, 849 P.2d 578 (Utah Ct. App.), cert. denied, 860 P. 943 (Utah 1993).

Allegation of prejudice required.

In hearing under this rule, criminal defendant has burden of showing that counsel's representation fell below an objective standard of reasonableness and that but for counsel's errors, a more favorable result would have been obtained; defendant, convicted of raping his daughter and sentenced to a term of 15 years to life, failed to demonstrate that trial or appellate counsel's ineffectiveness deprived him of the ability to raise meritorious arguments on appeal. State v. Reyes, 2001 UT 66, 31 P.3d 516.

Application.

Under this rule, appellate courts need no longer treat the question of an adequate record as a necessary threshold issue; if the record is inadequate in any fashion, ambiguities or deficiencies resulting from the inadequacy will be construed in favor of a finding that counsel performed effectively. State v. Litherland, 2000 UT 76, 12 P.3d 92.

Purpose.

A Rule 23B motion for remand is a specialized motion, available only in limited circumstances, to supplement the record with known facts needed for an appellant to assert an ineffectiveness of counsel claim on direct appeal, and if the facts already appearing in the record are sufficient to make the claim, a remand is not needed. If defendant merely hopes to discover evidence suggesting ineffectiveness, a remand is not allowed, because the purpose of the rule is not to hold a "mini-trial" on ineffectiveness of counsel. State v. Johnston, 2000 UT App 290, 13 P.3d 175.

Cited in State v. Classon, 935 P.2d 524 (Utah Ct. App. 1997), cert. granted, 945 P.2d 1118 (Utah 1997); State v. Bredehoft, 966 P.2d 285 (Utah Ct. App. 1998), cert. denied, 982 P.2d 88 (Utah 1999); State v. Simmons, 2000 UT App 190, 398 Utah Adv. Rep. 7; State v. Mecham, 2000 UT App 247, 9 P.3d 777.

Rule 24. Briefs.

(a) *Brief of the appellant.* The brief of the appellant shall contain under appropriate headings and in the order indicated:

(a)(1) A complete list of all parties to the proceeding in the court or agency whose judgment or order is sought to be reviewed, except where the caption of the case on appeal contains the names of all such parties. The list should be set out on a separate page which appears immediately inside the cover.

(a)(2) A table of contents, including the contents of the addendum, with page references.

(a)(3) A table of authorities with cases alphabetically arranged and with parallel citations, rules, statutes and other authorities cited, with references to the pages of the brief where they are cited.

(a)(4) A brief statement showing the jurisdiction of the appellate court.

(a)(5) A statement of the issues presented for review, including for each issue: the standard of appellate review with supporting authority; and

(a)(5)(A) citation to the record showing that the issue was preserved in the trial court; or

(a)(5)(B) a statement of grounds for seeking review of an issue not preserved in the trial court.

(a)(6) Constitutional provisions, statutes, ordinances, rules, and regulations whose interpretation is determinative of the appeal or of central importance to the appeal shall be set out verbatim with the appropriate citation. If the pertinent part of the provision is lengthy, the citation alone will suffice, and the provision shall be set forth in an addendum to the brief under paragraph (11) of this rule.

(a)(7) *A statement of the case.* The statement shall first indicate briefly the nature of the case, the course of proceedings, and its disposition in the court below. A statement of the facts relevant to the issues presented for review shall follow. All statements of fact and references to the proceedings below shall be supported by citations to the record in accordance with paragraph (e) of this rule.

(a)(8) *Summary of arguments.* The summary of arguments, suitably paragraphed, shall be a succinct condensation of the arguments actually made in the body of the brief. It shall not be a mere repetition of the heading under which the argument is arranged.

(a)(9) *An argument.* The argument shall contain the contentions and reasons of the appellant with respect to the issues presented, including the grounds for reviewing any issue not preserved in the trial court, with citations to the authorities, statutes, and parts of the record relied on. A party challenging a fact finding must first marshal all record evidence that supports the challenged finding.

(a)(10) *A short conclusion stating the precise relief sought.*

(a)(11) *An addendum to the brief or a statement that no addendum is necessary under this paragraph.* The addendum shall be bound as part of the brief unless doing so makes the brief unreasonably thick. If the addendum is bound separately, the addendum shall contain a table of contents. The addendum shall contain a copy of:

(a)(11)(A) any constitutional provision, statute, rule, or regulation of central importance cited in the brief but not reproduced verbatim in the brief;

(a)(11)(B) in cases being reviewed on certiorari, a copy of the Court of Appeals opinion; in all cases any court opinion of central importance to the appeal but not available to the court as part of a regularly published reporter service; and

(a)(11)(C) those parts of the record on appeal that are of central importance to the determination of the appeal, such as the challenged instructions, findings of fact and conclusions of law, memorandum decision, the transcript of the court's oral decision, or the contract or document subject to construction.

(b) *Brief of the appellee.* The brief of the appellee shall conform to the requirements of paragraph (a) of this rule, except that the appellee need not include:

(b)(1) a statement of the issues or of the case unless the appellee is dissatisfied with the statement of the appellant; or

(b)(2) an addendum, except to provide material not included in the addendum of the appellant. The appellee may refer to the addendum of the appellant.

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(c) *Reply brief.* The appellant may file a brief in reply to the brief of the appellee, and if the appellee has cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues presented by the cross-appeal. Reply briefs shall be limited to answering any new matter set forth in the opposing brief. The content of the reply brief shall conform to the requirements of paragraph (a)(2), (3), (9), and (10) of this rule. No further briefs may be filed except with leave of the appellate court.

(d) *References in briefs to parties.* Counsel will be expected in their briefs and oral arguments to keep to a minimum references to parties by such designations as "appellant" and "appellee." It promotes clarity to use the designations used in the lower court or in the agency proceedings, or the actual names of parties, or descriptive terms such as "the employee," "the injured person," "the taxpayer," etc.

(e) *References in briefs to the record.* References shall be made to the pages of the original record as paginated pursuant to Rule 11(b) or to pages of any statement of the evidence or proceedings or agreed statement prepared pursuant to Rule 11(f) or 11(g). References to pages of published depositions or transcripts shall identify the sequential number of the cover page of each volume as marked by the clerk on the bottom right corner and each separately numbered page(s) referred to within the deposition or transcript as marked by the transcriber. References to exhibits shall be made to the exhibit numbers. If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the record at which the evidence was identified, offered, and received or rejected.

(f) *Length of briefs.* Except by permission of the court, principal briefs shall not exceed 50 pages, and reply briefs shall not exceed 25 pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, or portions of the record as required by paragraph (a) of this rule. In cases involving cross-appeals, paragraph (g) of this rule sets forth the length of briefs.

(g) *Briefs in cases involving cross-appeals.* If a cross-appeal is filed, the party first filing a notice of appeal shall be deemed the appellant for the purposes of this rule and Rule 26, unless the parties otherwise agree or the court otherwise orders. The brief of the appellant shall not exceed 50 pages in length. The brief of the appellee/cross-appellant shall contain the issues and arguments involved in the cross-appeal as well as the answer to the brief of the appellant and shall not exceed 50 pages in length. The appellant shall then file a brief which contains an answer to the original issues raised by the appellee/cross-appellant and a reply to the appellee's response to the issues raised in the appellant's opening brief. The appellant's second brief shall not exceed 25 pages in length. The appellee/cross-appellant may then file a second brief, not to exceed 25 pages in length, which contains only a reply to the appellant's answers to the original issues raised by the appellee/cross-appellant's first brief. The lengths specified by this rule are exclusive of table of contents, table of authorities, and addenda and may be exceeded only by permission of the court. The court shall grant reasonable requests, for good cause shown.

(h) *Briefs in cases involving multiple appellants or appellees.* In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any appellant or appellee may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

(i) *Citation of supplemental authorities.* When pertinent and significant authorities come to the attention of a party after that party's brief has been filed, or after oral argument but before decision, a party may promptly advise the clerk of the appellate court, by letter setting forth the citations. An original letter and nine copies shall be filed in the Supreme Court. An original letter and seven copies shall be filed in the Court of Appeals. There shall be a reference either to the page of the brief or to a point argued orally to which the

citations pertain, but the letter shall without argument state the reasons for the supplemental citations. Any response shall be made within 7 days of filing and shall be similarly limited.

(j) *Requirements and sanctions.* All briefs under this rule must be concise, presented with accuracy, logically arranged with proper headings and free from burdensome, irrelevant, immaterial or scandalous matters. Briefs which are not in compliance may be disregarded or stricken, on motion or sua sponte by the court, and the court may assess attorney fees against the offending lawyer.

(Amended effective October 1, 1992; July 1, 1994; April 1, 1995; April 1, 1998; November 1, 1999; April 1, 2003.)

Advisory Committee Note. — Rule 24 (a)(9) now reflects what Utah appellate courts have long held. *See In re Beesley*, 883 P.2d 1343, 1349 (Utah 1994); *Newmeyer v. Newmeyer*, 745 P.2d 1276, 1278 (Utah 1987). "To successfully appeal a trial court's findings of fact, appellate counsel must play the devil's advocate. ' must extricate from the client's shoes and fully assume the adversary's position. In order to properly discharge the duty..., the challenger must present, in comprehensive and fastidious order, every scrap of competent evidence introduced at trial which *supports* the very findings the appellant resists." *ONEIDA/SLIC, v. ONEIDA Cold Storage and Warehouse, Inc.*, 872 P.2d 1051, 1052-53 (Utah App. 1994) (alteration in original) (quoting *West Valley City v. Majestic Inv. Co.*, 818 P.2d 1311, 1315 (Utah App. 1991)). See also *State ex rel. M.S. v. Salata*, 806 P.2d 1216, 1218 (Utah App. 1991); *Bell v. Elder*, 782 P.2d 545, 547 (Utah App. 1989); *State v. Moore*, 802 P.2d 732, 738-39 (Utah App. 1990).

The brief must contain for each issue raised on appeal, a statement of the applicable standard of review and citation of supporting authority.

Amendment Notes. — The 1999 amendment added the last sentence in Subdivision (a)(9).

The 2003 amendment deleted Subdivision (k) pertaining to brief covers.

NOTES TO DECISIONS

Constitutional arguments.
Contents.
—Argument.
—Inappropriate language.
—Standard of review.
—Statement of facts with citation to record.
Failure to file.
—Defective appeal.
Issues not raised at trial.
Noncompliance with rule.
Properly documented argument.
Reply brief.
Cited.

Constitutional arguments.

In order to make an argument for an innovative interpretation of a state constitutional provision textually similar to a federal provision, the following points should be developed and supported with authority and analysis. First, counsel should offer analysis of the unique context in which Utah's constitution developed with regard to the issue at hand. Second, counsel should demonstrate that state appellate courts regularly interpret even textually similar state constitutional provisions in a manner different from federal interpretations of the United States Constitution and that it is entirely proper to do so in our federal system. Third, citation should be made to authority from other states supporting the particular construction urged by counsel. State v. Bobo, 803 P.2d 1268 (Utah Ct. App. 1990).

Contents.

A brief must contain some support for each contention. State v. Wareham, 772 P.2d 960 (Utah 1989); State v. Reiners, 803 P.2d 1300 (Utah Ct. App. 1990).

Extensive quotations from numerous case authorities and treatises, while helpful, cannot substitute for the development of appellate arguments explicitly tied to the record. West Valley City v. Majestic Inv. Co., 818 P.2d 1311 (Utah Ct. App. 1991).

Appellant's brief was clearly deficient under the provisions of this rule because it failed to set forth a coherent statement of issues and the appropriate standard of review for each issue with supporting authority, the "issues" where listed did not correlate with the substance of the brief, the statement of the case not only omitted reference to the course of proceedings and disposition in the trial court, but failed to provide a statement of the relevant facts properly documented by citations to the record, and defendant's "argument" did not identify any error by the trial court, refer to the facts or the record, or cite applicable authority, much less provide any meaningful factual or legal analysis. State v. Price, 827 P.2d 247 (Utah Ct. App. 1992).

It is improper to use an addendum to incorporate argument by reference that should be included in the body of the brief. State v. Jiron, 866 P.2d 1249 (Utah Ct. App. 1993).

Appellate brief that set forth little legal analysis on issue presented, did not specifically discuss how trial court erred, did not attempt to marshal the evidence, and presented no citations to record failed to conform to requirements of this rule. Phillips v. Hatfield, 904 P.2d 1108 (Utah Ct. App. 1995).

990029

ST. GEORGE POLICE DEPARTMENT
WITNESS STATEMENT FORM

DATE Dec 12/1999 PLACE Summit Pointe, TIME 9:49 pm Su

NAME Lorinda Lee Hartman DOB 4-10-58 PHONE 435

HOME ADDRESS 1710 W 360 No. Apt 205

PLACE OF WORK Labor Ready

Read Carefully: I am making this statement voluntarily and without threat or coercion. All statements made in this statement are true and correct to the best of my knowledge. I understand this statement may be used in a preliminary hearing. If I make a false statement which I do not believe is true, I will be subject to criminal penalty.

Howard called me tonight and threatened me that Linda my Ex Husbands mom is leaving the city and that my Ex is taking my daughter out of the city and said he will come down here and is sending me a package I said Leave me alone and what do you want from me.

I have read this statement consisting of _____ page (s) and the facts contained therein are true and correct.

Witness Signature

Lorinda Lee Hartman
Signature of person giving statement

STATE'S Exhibit 2 S-29-99

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FILED
FIFTH DISTRICT COURT
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WASHINGTON COUNTY
BY

Eric A. Ludlow #5104
Washington County Attorney
O. Brenton Rowe, #2815
Deputy Washington County Attorney
178 North 200 East
St. George, Utah 84770
(435) 634-5723

FIFTH DISTRICT COURT

WASHINGTON COUNTY, UTAH

STATE OF UTAH,	)	
Plaintiff,	)	**INFORMATION**
vs.	)	
HOWARD HARTMAN DOB: 02/14/58 Address Unknown	)	Criminal No. 001500140
	)	Hon.
Defendant.	)	

The undersigned complainant states on information and belief that the Defendant committed the crimes of:

COUNT 1: VIOLATION OF A PROTECTIVE ORDER, a Class A Misdemeanor, in that said Defendant, did violate the Protective Order, Case No. 99-2-21235-5, signed on the 27th day of September, 1999, by the Commissioner of the King County Superior Court, Kent, Washington, in violation of Utah Code Ann. §76-5-108, (1953) as amended.

PLACE: Washington County, State of Utah
DATE: December 12, 1999
TIME: 9:00 P.M.

COUNT 2: VIOLATION OF A PROTECTIVE ORDER, a Class A Misdemeanor, in that said

Defendant, did violate the Protective Order, Case No. 99-2-21235-5, signed on the 27th day of September, 1999, by the Commissioner of the King County Superior Court, Kent, Washington, in violation of Utah Code Ann. §76-5-108, (1953) as amended.

PLACE: Washington County, State of Utah
DATE: December 13, 1999
TIME: 10:30 A.M.

This Information is based on evidence from this witness: Albert Gilman – SGPD.

Dated this 28 day of December, 1999.

O. BRENTON ROWE
DEPUTY WASHINGTON COUNTY ATTORNEY